## REMARKS

In response to the Office Action dated June 6, 2008, the Applicants have amended claims 24 and 32. Claims 24-34 are in the case. Reexamination and reconsideration of the application, as amended, are requested.

The Office Action rejected claims 24-27, 30 and 32-24 under 35 U.S.C. § 102(b) as allegedly being anticipated by IBM ADF Color Scanner User's Guide (hereinafter "IBM"). The Office Action rejected claims 28-29 and 31 under 35 U.S.C. § 103(a) as allegedly being unpatentable over IBM.

The Applicant respectfully traverses these rejections based on the amendments to the claims and the arguments below.

The Applicant's claimed invention now includes using an input device to select the region of interest in the preview scan data, drag the selected region of interest across the video display, and drop the selected region of interest into the application software, determining a boundary and image data elements of the selected region of interest by evaluating and classifying a click point and performing segmentation analysis on the image data elements contained within the boundary and initiating the scanner software to automatically launch an optimized final scan of the selected region of interest after the selected region of interest is dragged and dropped into the open software application. Support for this amendment can be found throughout the specification, and in particular, FIGS. 2, 3A and 3B, and paragraphs [0032] and [0035] – [0040] of the Applicants' published patent application, U.S. Patent Publication No. 2004/0212835A1.

In contrast, IBM is clearly missing the above **newly** added features as specifically claimed. For example, although IBM disclose using a preview scan, IBM does **not** allow a user to **drag** a selected region of interest across the video display, and **drop** the selected region of interest into the application software, **determine a boundary and image data elements** of the selected region of interest by evaluating and classifying a click point and **performing segmentation analysis** on the image data elements contained within the boundary and then automatically **initiate** the scanner software to launch an optimized final scan of the selected region of interest after the selected region

7

of interest is dragged and dropped into the open software application.

Consequently, with regard to the anticipation rejection, because IBM does **not** disclose all of the features of the Applicants' independent claims, IBM cannot anticipate the claims. Further, with regard to the obviousness rejection, since IBM does **not** disclose all of the features of the claimed invention, IBM cannot render the claimed invention obvious.

With regard to the dependent claims, since they depend from the above-argued respective independent claims, they are therefore patentable on the same basis. (MPEP § 2143.03). Also, the other references cited by the Examiner also have been considered by the Applicant in requesting allowance of the dependant claims and none have been found to teach or suggest the Applicant's claimed invention.
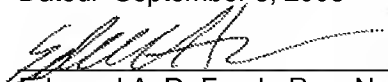
Last, claims 24-34 were rejected on the grounds of non-statutory obviousness-type double patenting as allegedly being unpatentable over claims 1-20 of co-pending U.S. Patent No. 6,751,780.

However, in light of the newly added features in the amendments to the independent claims, the Applicants submit that this rejection is overcome because the claims of the current case are patentably distinct over co-pending U.S Patent No. 6,751,780.

Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicant kindly **requests** the Examiner to telephone the Applicant's attorney at **(818) 885-1575**. Please note that all mail correspondence should continue to be directed to

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Respectfully submitted,
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